

The hostile takeover of the State Board of Education Bill (SB1) is moving through the legislature at a rapid pace.

SB1 was referred to the Senate Education Committee on January 17. It was passed by the Senate Education Committee on March 1 and also passed by the Senate the same day. It was introduced in the House on March 7 and referred to the Economic and Workforce Development Committee on March 14.

It is curious that the House referred SB1 to the House Economic and Workforce Development Committee rather than the House Education Committee. Representative D.J. Swearingen is the chair of the Economic and Workforce Development Committee.

During testimony in the Senate Education Committee twice as many persons opposed the Bill as favored it. But then, the Senate President announced before the hearings that the Senate would pass the Bill.

If this legislation passes, the State Board of Education should request the Attorney General to provide outside legal counsel for the State Board to challenge the constitutionality of the legislation. During the DeRolph school funding litigation, the State Board of Education did not appeal the Trial Court decision, while the governor and other state officials did appeal. The Attorney General granted the State Board outside legal counsel to protect its interests. As a constitutional body, the State Board should be provided legal counsel by the state to protect its interests.